

R E M A R K S

Claims 1 to 23 remain pending in the present application.

Independent claims 1, 12, and 23 are currently amended.

Dependent Claims 4 and 15 are currently amended.

A. EXAMINER INTERVIEW REGARDING CLAIM OBJECTIONS

On June 11, 2008 via telephonic messages an Examiner Interview was held between Examiner Tanh Q. Nguyen and Applicants' representative Catherine Ivers, Reg. No. 59,565, in regard to U.S. Patent Application No. 10/667,029.

The interview established that claims 1, 12, and 23 are objected to because "determining an amount of memory bandwidth of a network processor used by a plurality of data types **used** to transmit data through a plurality of active ports" in lines 3 - 6 of claim 1 should be replaced with "determining an amount of memory bandwidth of a network processor used by a plurality of data types to transmit data through a plurality of active ports" for clarity. No references nor other issues or claims were discussed.

Without conceding the propriety of the objection, Applicants currently amend claims 1, 12 and 23 to conform to the Examiner's suggestion. Applicants believe the claims are now in acceptable condition and respectfully request reconsideration and withdrawal of the objection to claims 1, 12, and 23.

B. CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claims 4 and 15 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants amend claims 4 and 15.

Claims 4 and 15 stand rejected as the Examiner contends the following language in claim 4 (and similarly claim 15) "**the**

total amount of memory bandwidth of the network processor currently used by the plurality of data types" lacks sufficient antecedent basis (emphasis added). Applicants amend claims 4 and 15 to read in part "**a** total amount of memory bandwidth of the network processor currently used by the plurality of data types". Support for this feature may be found in the specification at least on page 10, lines 26 through 31. As amended, Applicants believe the claims have sufficient antecedent basis.

For at least the above reasons, the Applicants respectfully request that the rejections of claims 4 and 15 under 35 U.S.C. § 112, second paragraph, be withdrawn.

C. CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-7, 11; 12-18, 22; and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,098,123 to *Olnowich et al.* (hereinafter "*Olnowich*"). Applicants respectfully traverse these rejections.

Applicants' claims, in part, are directed towards a *network interface* in which **network processor memory** bandwidth is shared among output ports and/or multiple data types transmitted over the ports **to the network**. (See at least page 5 lines 15 -21) *Olnowich* appears to discuss a *memory interface* in which **adapter memory** bandwidth is shared among the input and output ports of the adapter memory **within a node**. (See at least FIG. 2). The adapter memory in/out ports of *Olnowich* and output ports of a network processor of Applicants' invention are different both in location and function as will be explained in the following paragraphs.

Independent claims 1, 12, and 23 of the present application recite, inter alia, "an amount of memory bandwidth of a network processor used by a **plurality of data types** used to transmit data through a plurality of active ports." Data types, according to the application, include at least Asynchronous

Transfer Mode (ATM) and Ethernet types of data (see page 1 line 33 to page 2 line 22). Applicants have been unable to find any mention of "data types" in general, let alone "a plurality" (ATM or Ethernet) of data types, in *Olnowich*. The Examiner points to *Olnowich's* Fig. 5 and the send/receive ports A, B, C, and D of the adapter memory 18 as a disclosure of four different types of data through the ports. However, the function of a port (send/receive) does not equate to "a plurality of data types". Furthermore, in a message passing system of *Olnowich* (col. 1 lines 9 - 14), one skilled in the art would not expect to find network protocol data types such as Ethernet or ATM. Instead, one skilled in the art would expect only **one** type of data, memory data, to be written to or read from *Olnowich's* adapter memory 18. Thus, *Olnowich* cannot properly be relied upon for teaching or suggesting the "plurality of data types" feature of independent Claims 1, 12, or 23. Accordingly, the Applicants respectfully request that the rejections of Claims 1-7, 11; 12-18, 22; 23 be withdrawn.

Furthermore, independent claims 1, 12, and 23 recite, inter alia, "an amount of memory bandwidth of a network processor used by a plurality of data types used to transmit data through a **plurality of active ports.**" A plurality of active ports, according to the application, includes output ports 112 (ATM Output Port #1, ATM Output Port #2, Ethernet Output Port #1, Ethernet Output Port #2, Fast Ethernet Output Port #1...X Output Port #N) from the network processor 102 (see FIG. 1). In contrast, Examiner identified ports A, B, C, and D of *Olnowich's* are both input (send) and output (receive) ports to the adapter memory 18 within node 3 (see *Olnowich* col. 1 lines 30 - 36 and FIGS. 1 and 2). Thus the output ports 112 of Applicants' invention are more like the single output port 5 from node 3 of *Olnowich* (see Fig. 1). Hence, as the title of *Olnowich* suggests, *Olnowich* is managing bandwidth to and from an adapter

memory 18 within the node 3, rather than from the network processor 112 (using Applicant's language) or node 3 (using *Olnowich* language) to the network. Thus, *Olnowich* cannot properly be relied upon for teaching or suggesting of the "plurality of active ports" feature of independent Claims 1, 12, or 23. Accordingly, the Applicants respectfully request that the rejections of Claims 1-7, 11; 12-18, 22; 23 be withdrawn.

Additionally, one of the points of the Applicants' invention is to prevent corruption of Ethernet data types when a delay in the transmission of data from an output port 112 corrupts the data (see page 2 lines 2 - 5 and page 4 lines 1 - 18). If *Olnowich* transmitted Ethernet data type, rather than reading/writing memory data, *Olnowich's* teaching of immediate downshift of bandwidth would defeat the purpose of the Applicants' invention. The reasoning will be further explained in reference to *Olnowich* col 1. lines 44 to 50. *Olnowich's* port A is reading/writing at 100MB/s when port D becomes active and requires 50MB/s of bandwidth. Port D is immediately given 50MB/s bandwidth at the expense of A downshifting from 100MB/s to 50MB/s. If *Olnowich's* port A was an output port from the network processor rather than an in/out port to the memory adaptor, AND if Ethernet data type was being transmitted on port A, the downshift (delay) would cause the data to be corrupted. Hence, by ignoring data types, the teachings of *Olnowich's* patent exacerbate the problem that Applicants' invention solves. Consequently, *Olnowich* is not applicable to Applicants' invention. Accordingly, the Applicants respectfully request that the rejections of Claims 1-7, 11; 12-18, 22; 23 be withdrawn.

D. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 8-10, 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Olnowich*. Applicants respectfully traverse these rejections. As discussed above,

Olnowich does not disclose all the features recited in Claims 1 and 12, the base claims from which Claims 8- 10, and 19-21 variously depend. Therefore, Claims 8-10, and 19-21 are patentable over the cited reference and the Applicants respectfully request that the rejection be withdrawn.

E. CONCLUSION

Applicants believe all pending claims are in condition for allowance, and respectfully request reconsideration and allowance of the same. Applicants do not believe a Request for Extension of Time is required but if it is, please accept this paragraph as a Request for Extension of Time. Applicants do not believe any fees are due regarding this amendment. If any fees are required, however, please charge Deposit Account No. 04-1696. Applicants encourage the Examiner to telephone the Applicants' attorney should any issues remain.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Steven M. Santisi".

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